

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

<b>MICHAEL and KELLY YURCIC,</b>	:	
<b>Plaintiffs</b>	:	<b>CIVIL ACTION</b>
<b>v.</b>	:	
	:	
<b>PURDUE PHARMA, L.P., PURDUE PHARMA,</b>	:	<b>NO. 02-3737</b>
<b>INC., PURDUE FREDERICK COMPANY,</b>	:	
<b>ABBOTT LABORATORIES, ABBOTT</b>	:	
<b>LABORATORIES, INC., MORTON RUBIN,</b>	:	
<b>M.D., and HOWARD R. CORBIN, M.D.</b>	:	
<b>Defendants</b>	:	

**PLAINTIFFS', MICHAEL AND KELLY YURCIC'S,  
WRITTEN STATEMENT OF INITIAL DISCLOSURE**

Plaintiffs, Michael and Kelly Yurcic, pursuant to Rule 26(a)(1) of the Federal rule of Civil Procedure, and without waiving any claim of attorney-client privilege, or work product protection makes the disclosures contained herein. Plaintiffs expressly reserve the right to supplement these disclosures and to introduce additional information in connection with any motion, hearing or trial as discovery proceeds.

**A. Rule 26(a)(1)(A) Disclosure**

**Provide the name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.**

**RESPONSE**

Plaintiffs identify the following persons as likely to have discoverable information:

1. Michael Yurcic  
Kelly Yurcic  
6631 Evelyn Street  
Harrisburg, PA 17111  
570-564-3994
  
2. Jennifer Gerhart, BA, CAC  
James F. Mulligan, M.D.

James J. Carter, MA, Psy.D.  
Caron Foundation  
Galen Hall Road, Box A  
Wernersville, PA 19565  
610-678-2332

3. Alfred J. Zanetti, D.O.  
Mrs. Alfred Zanetti  
Office Manager  
591 North 67<sup>th</sup> Street  
Harrisburg, PA 17111  
717-564-2439
4. David C. Trostle, M.D.  
Lebanon Internal Medicine Associates  
508 Oak Street  
Lebanon, PA 17042-6250  
717-273-6706
5. Mary C. Diskerud, L.S.W.  
William McAllister, C.A.C.  
Louis Verna, MA C.A.C.  
Mazzitti & Sullivan  
3544 North Progress Avenue  
Harrisburg, PA 17110
6. Holy Spirit Hospital  
503 North 21st Street  
Camp Hill, PA 17011  
717-763-2316
7. HealthSouth  
175 Lancaster Boulevard  
Mechanicsburg, PA 17055  
717-691-3700
8. Morton Rubin, M.D.  
2025 Technology Parkway  
Mechanicsburg, PA 17050  
717-795-6999
9. Howard R. Cohen, M.D.  
4713 East Trindle Road  
Mechanicsburg, PA 17055

Plaintiffs anticipate that additional individuals with knowledge supporting Plaintiffs claims will be identified as discovery progresses. Since discovery is in the initial stages, it is not reasonably possible for Plaintiffs to identify with specificity every individual “likely to have discoverable information;” however, the individuals Plaintiffs have identified are likely to have knowledge of such information. Plaintiffs are not implying that the individuals identified have “discoverable information;” rather, they are only “likely” to have such information. By providing the information above in good faith, Plaintiffs do not represent that the list identifies all individuals who may have “discoverable information” as contemplated pursuant to Rule 26(a)(1)(A); therefore, Plaintiffs reserve the right to supplement this response.

**B. Rule 26(a)(1)(B) Disclosure**

**Provide a copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.**

**RESPONSE**

Plaintiffs, Michael and Kelly Yurcic, state that they are in the process of gathering all medical records, and other documents, data compilations, and tangible things that will be used to support their claims or defenses. To date, Plaintiffs have gathered the following medical records from providers who treated Michael Yurcic for various ailments:

Caron Foundation  
Mazzitti & Sullivan  
Dr. David Trostle  
Joyner Sports Medicine  
Holy Spirit Hospital  
HealthSouth  
Dr. Morton Rubin

These records are located at Anapol, Schwartz, Weiss, Cohan, Feldman & Smalley, P.C.,

1900 Delancey Place, Philadelphia, Pennsylvania 19020 and will be distributed to all parties after they have been photocopied and bates numbered. Plaintiffs anticipate that additional documents, data compilations, and tangible things supporting Plaintiffs claims will be identified as discovery progresses. Since discovery is in the initial stages, it is not reasonably possible for Plaintiffs to identify with specificity all other documents, data compilations, and tangible things, aside from medical records, which may contain information relevant to the facts alleged in the Complaint. Plaintiffs are not implying that the medical records identified have “discoverable information;” rather, they are the documents gathered to date in search of relevant information. Plaintiffs specifically reserve the right to supplement this response.

**C. Rule 26(a)(1)(C) Disclosure**

**Provide a computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.**

**RESPONSE**

Lindsey Morden (now doing business as “Cunningham Lindsey”) was the workers’ compensation carrier/agent that paid the medical bills Plaintiff incurred while he was ingesting OxyContin and the bills incurred for Plaintiff’s treatment of his OxyContin addiction. Upon receipt of the workers’ compensation lien, the damage computation will be forwarded to all parties. Plaintiffs specifically reserve the right to supplement this response.

**D. Rule 26(a)(1)(D) Disclosure**

**Provide for inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.**

**RESPONSE**

Plaintiff, Michael Yurcic, was covered by workers compensation benefits under Lindsey Morden (now doing business as Cunningham Lindsey), 110 Gibraltar, Suite 223, Horsham, Pennsylvania 19044, 215-957-9657, claim number 1074309.

Respectfully submitted,

**ANAPOL, SCHWARTZ, WEISS,  
COHAN, FELDMAN & SMALLEY, P.C.**

**By:**

\_\_\_\_\_  
SOL H. WEISS, ESQUIRE  
TRACY A. FINKEN, ESQUIRE  
MARC S. STOLEE, ESQUIRE  
Attorneys for Plaintiffs  
I.D. Nos. 15925/82258/87983  
1900 Delancey Place  
Philadelphia, PA 19103  
(215) 735-2098

**DATED:** \_\_\_\_\_

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

<b>MICHAEL and KELLY YURCIC,</b>	:	
	:	
<b>Plaintiffs</b>	:	<b>CIVIL ACTION</b>
	:	
<b>v.</b>	:	
	:	
<b>PURDUE PHARMA, L.P., PURDUE PHARMA,</b>	:	<b>NO. 02-3737</b>
<b>INC., PURDUE FREDERICK COMPANY,</b>	:	
<b>ABBOTT LABORATORIES, ABBOTT</b>	:	
<b>LABORATORIES, INC., MORTON RUBIN,</b>	:	
<b>M.D., and HOWARD R. CORBIN, M.D.</b>	:	
<b>Defendants</b>	:	

**CERTIFICATE OF SERVICE**

I, SOL H. WEISS, ESQUIRE, hereby certify that on the date noted below I caused a true and correct copy of the foregoing **Written Statement of Initial Disclosure** to be served by first-class mail, postage prepaid, upon the following:

Edward F. Mannino, Esquire  
AKIN, GUMP, STRAUSS,  
HAUER & FELD, LLP  
One Commerce Square  
2005 Market Street, Suite 2200  
Philadelphia, PA 19103

Joseph E. O'Neil, Esquire  
LAVIN, COLEMAN, O'NEIL, RICCI  
FINARELLI & GRAY  
510 Walnut Street, Suite 1000  
Philadelphia, PA 19106

Allan H. Starr, Esquire  
WHITE & WILLIAMS, LLP  
1800 One Liberty Place  
Philadelphia, PA 19103

Kenneth S. Fair, Esquire  
NAULTY, SCARICAMAZZA &  
McDEVITT  
1617 John F. Kennedy Blvd., Suite 1600  
Philadelphia, PA 19103

**ANAPOL, SCHWARTZ, WEISS,  
COHAN, FELDMAN & SMALLEY, P.C.**

**BY:** \_\_\_\_\_  
SOL H. WEISS, ESQUIRE  
Attorney for Plaintiffs

**DATED:** \_\_\_\_\_